

COPY OF PAPERS
ORIGINALLY FILED

Docket No. 3553-4020US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
OFFICE OF PETITIONS

Applicant(s): Jay S. Walker, et al.

Serial No.: 09/443,158

Filed: November 18, 1999

For: CONDITIONAL PURCHASE OFFER MANAGEMENT SYSTEM

Group Art Unit: 2166

Examiner: S. Rimell

Commissioner for Patents
Washington, D.C. 20231

**PETITION PURSUANT TO 37 C.F.R. §1.137, M.P.E.P. §711.03(c) AND
THE DECISION IN DELGAR V. SCHUYLER, 172 USPQ 513 TO
WITHDRAW THE HOLDING OF ABANDONMENT**

Sir:

Applicants are in receipt of a Notice of Abandonment in the above-identified application for failure to respond to an Office Action purportedly mailed by the U.S. Patent and Trademark Office ("PTO") on June 12, 2001. A search of the file jacket and docket records indicates that the Office Action was never received by Applicants' attorney and resulted in abandonment of the case.

As such, the application was abandoned through no fault on the part of Applicants or their attorney. It is respectfully submitted that Applicants' non-receipt of the Office Action purportedly mailed by the PTO on or about June 12, 2001 was the sole cause of the abandonment.

Pursuant to the provisions of MPEP §711.03(c) and the decision in Delgar, Inc. v.

678046 v1.....

Schuyler, Comr. Pats., 172 U.S.P.Q. 513 (D.D.C. 1971), Applicant hereby Petitions the Commissioner for a withdrawal of the holding of abandonment and a mailing of a copy of an Office Action.

The petition fee of \$110.00 as required under 37 C.F.R. §1.17(l) is enclosed. Should any additional fees be required in connection with this Petition, authorization is given to charge Deposit Account 13-4500, Order No. 3553-4020US1.

In support of this Petition and in compliance with the showing mandated by M.P.E.P. §711.03(c), Applicant attaches the Declaration of Shirley Hopkins, the Docketing Supervisor at Morgan & Finnegan. As the Declaration and other attached exhibits will bear out, the firm maintains a thorough and comprehensive system for docketing all correspondence received from the PTO and for reminding the responsible attorney of all associated due dates and statutory dates. As the Declaration of Ms. Hopkins will bear out, the Office Action was never received by the firm from the U.S. Patent & Trademark Office.

Applicants submit that no response to the Office Action need be submitted with this Petition. To date, Applicants have never seen the Office Action, and have therefore been unable to respond. Applicants request that after withdrawal of the holding of abandonment, a copy of the Office Action be mailed, and the time for response be reset as of the mailing date.

The general facts supporting a withdrawal of the holding of abandonment are as follows:

1. All correspondence in the application was to be forwarded directly to Morgan & Finnegan as per a "Combined Declaration and Power of Attorney" executed by Applicant and

filed in the case on November 19, 1999.

2. On December 21, 1999, Morgan & Finnegan received a Notice to File Missing Parts of Application on the merits mailed on December 15, 1999. In response to said Response to the Missing Parts of Application, Applicants (through Morgan & Finnegan) prepared and filed a response to the Official Action on December 23, 1999.

3. The next communications received from the USPTO in connection with this application were a Corrected Filing Receipt received on January 7, 2000 and a "Notice of Abandonment" received on January 22, 2002 (that was mailed by the USPTO on January 16, 2002). The Notice of Abandonment indicates that the application had been abandoned for failure to respond to an office action. A copy of the Notice of Abandonment is attached as Exhibit A. No Office Action was ever received by the firm in this application.

It is respectfully submitted that in view of these facts, the abandonment of the application was due in whole to non-receipt of the Office Action and not in any part due to required action not undertaken by Applicant or the undersigned.

The above facts, in conjunction with the supporting Declaration of Ms. Hopkins, attached as Exhibit D, clearly justify the withdrawal of the holding of abandonment and the mailing of the Office Action.

Favorable consideration of the Petition; withdrawal of the holding of abandonment; and mailing of a copy of the Office Action with the time for response reset are therefore respectfully requested.

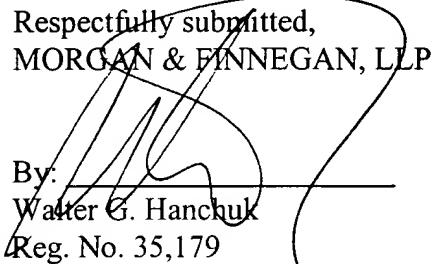
The Commissioner is hereby authorized to charge any fees which may be required

Docket No. 3553-4020US1

to Deposit Account 13-4500, order no. 3553-4020US1. A duplicate of this sheet is attached.

In the event that a telephone conference would facilitate examination in any way,
the Examiner is invited to contact the undersigned representative at the number provided.

Dated: January 29, 2002

Respectfully submitted,
MORGAN & FINNEGAN, LLP

By:
Walter G. Hanchuk
Reg. No. 35,179

Mailing Address:

Morgan & Finnegan LLP
345 Park Avenue
New York, NY 10154
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(212)751-6849 (Telecopier)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
OFFICE OF PETITIONS**

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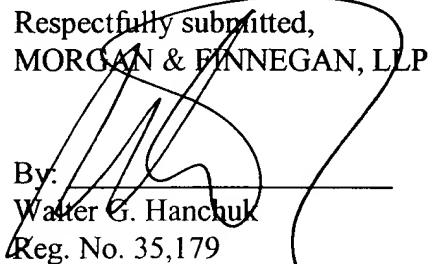
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to Deposit Account 13-4500, order no. 3553-4020US1. A duplicate of this sheet is attached.

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Dated: January 29, 2002

Respectfully submitted,
MORGAN & FINNEGAN, LLP

By:
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Morgan & Finnegan LLP
345 Park Avenue
New York, NY 10154
(212)758-4800
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COPY OF PAPERS
ORIGINALLY FILED

Exhibit A

54 - 4000000



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/443,158	11/18/1999	JAY S. WALKER	3553-4020US1	6852

7590 01/16/2002

WALTER G HANCHUK
MORGAN & FINNEGAN LLP
345 PARK AVENUE
NEW YORK, NY 10154

EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
2166	

DATE MAILED: 01/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

APR 22 2002
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Notice of Abandonment	Application No.	Applicant(s)
	09/443,158	WALKER ET AL.
	Examiner Sam Rimell	Art Unit 2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 6/12/01.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) The proposed new formal drawings filed on _____ are not acceptable and the period for reply has expired.
 - (c) No proposed new formal drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:



Sam Rimell
Primary Examiner
Art Unit: 2166

Exhibit B

JUNE 5 2001

May 31	091262, 599	Corrected Filing Receipt
May 30	091738, 235	Updated Filing Receipt
June 5	091318, 025	Issue Notification
May 29	091804, 214	Not. of Recordation
June 5	091249, 419	Issue Notification
May 24	091658, 019	Not. of Recordation
May 31	091073, 150	Not. of Allowance / Issue Fee
May 31	761259, 860	Filing Receipt
May 30	091198, 001	Not. of Allowance / Issue Fee
		Not. of Allowability
May 25	751668, 491	Req. for Ext. of Time

JUNE 6, 2001

June 1	091474, 013	3 month Office Action
May 30	091761, 617	Updating Filing Receipt
June 1	091179, 702	Not. of Allowance / Issue Fee
		Not. of Allowability
June 1	091724, 077	Updating Filing Receipt
May 30	—	Not. of Disposition
May 25	091711, 980	Updated Filing Receipt
June 1	081953, 032	Decision of Petition
June 1	091824, 781	Filing Receipt
June 1	091824, 781	Not. to File Missing Parts
May 25	091804, 214	Filing Receipt

JUNE 11, 2001

May 23	761256105	Filing Receipt
June 1	091830464	Not. of Miss. Requirements
June 11	081777, 409	Issue Notification
June 11	091079, 070	Issue Notification
June 1	091804, 214	Notice of Recordation
June 4	091767, 601	Filing Receipt
June 11	091412, 018	Issue Notification
June 11	081985, 505	Issue Notification

JUNE 11, 2001

June 1	091838, 987	Filing Receipt
JUNE 1	091838, 987	Not. to File Corrected Appl. Paper
June 11	091340, 845	Issue Notification
JUNE 4	601257, 361	Filing Receipt
June 1	091747, 177	Not. of Incomplete Reply
June 1	091707, 178	Corrected Filing Receipt
May 31	601264, 333	Filing Receipt
June 1	091804, 088	Not. of Recordation
JUNE 4	091800, 252	Updated Filing Receipt
May 31	091179, 702	Corrected Filing Receipt
June 4	751938, 765	Suspension
June 1	1880121	Refused Not.
May 31	761258486	Filing Receipt
June 1	751939369	Notice of Abandonment
June 1	751395309	Notice of Approval of Ext. Req.
May 30	091725, 503	Filing Receipt
June 1	091762, 337	Not. of Recordation
June 4	081904, 437	Not. of Allowance / Issue Fee Not. of Allowability
JUNE 4	081990, 888	3 month Office Action
JUN 11	091625, 917	Status Letter Reply
June 1	761026, 641	Notice of Abandonment
May 25	091807, 359	Filing Receipt
May 30	091725, 537	Not. of Publication of Appln.
May 30	091725, 305	Not. of Publication of Appln.
May 30	751808, 297	Not. of Publication
June 4	091736, 471	Updated Filing Receipt
JUNE 4	091542, 954	Decision According Status
May 30	091380, 823	Not. of Publication of Appln.
May 30	091568, 292	Not. Rec: Power of Attny
June 4	091693, 828	Not. of Allowance / Issue Fee Not. of Allowance
May 29	091568, 292	Not. Rec: Power of Attorney
June 4	751272418	Not. of Abandonment
June 4	751254419	Not. of Abandonment
June 5	761350628	Filing Receipt

JUNE 11, 2001

JUNE 2	751286163	Not. of Approval of Ext. Spec.
JUNE 4	291142,079	Filing Receipt
JUNE 4	291142,079	Not. to File Miss. Parts.
JUNE 4	081896,888	3 month-Office Action
JUNE 4	091748,678	Updated Filing Receipt
JUNE 5	091251,668	3 month-Office Action
JUNE 4	761241,606	6 month-Office Action
JUNE 4	081558,424	Response to Rule
JUNE 5	081543,121	Not. of Allowance / Issue Fee
JUNE 5	751698095	TTAB
JUNE 4	091189,831	Not. of Allowance / Issue Fee
		Not. of Allowability
JUNE 5	751381,859	Notice of Approval of Ext. Sp.
JUNE 5	741399,882	Notice of Approval of Ext. Sp.
JUNE 5	751728,282	Notice of Approval of Ext. Sp.
JUNE 4	761192,464	6 month-Office Action
JUNE 5	091775,075	Updated Filing Receipt
JUNE 4	751508,922	Notice of Abandonment
JUNE 4	291142,056	Filing Receipt
JUNE 4	291142,056	Not. to File Missing Parts
JUNE 5	761219,854	Priority Action
JUNE 5	761219,853	Priority Action
JUNE 4	761241,605	6 month-Office Action
JUNE 2	751605,757	Not. of Approval of Ext. Spec.
JUNE 4	291141,764	Filing Receipt
JUNE 4	091709,886	Updated Filing Receipt
JUNE 4	091495,652	Not. of Allowance / Issue
		Not. of Allowability
JUNE 5	291121,734	Not. of Allowance / Issue F
		Not. of Allowability
JUNE 5	091061,491	Advisory Action
JUNE 4	081534,545	3 month-Office Action
JUNE 5	6,243,583	Soft Patents
JUNE 5	6,243,208	Soft Patents
Nov 26	091322,881	Soft Patents
JUNE 4	081623,022	Notice of Allowance / Issue
		Not. of Allowability

JUNE 11, 2001

June 5	091568, 761	3 month - Office Action
JUNE 4	091500, 104	3 month - Final Office Action
JUNE 4	091526, 869	3 month - Office Action
June 11	6, 160, 223	Certificate of Correction
JUNE 11	6, 149, 115	Certificate of Correction
June 5	091222, 821	3 month - Office Action
JUNE 5	US D443, 253	Soft Patents
JUNE 5	US 6, 241, 483	Soft Patents
June 5	US D443, 247	Soft Patents
JUNE 5	US 6, 243, 103	Soft Patents
June 5	091222, 881	Soft Patents
June 5	091222, 881	Soft Patents

JUNE 12, 2001

JUNE 5	091621, 608	Notice of Allowance / Issue Fee Notice of Allowability
JUNE 5	091032, 961	3 month - Final Office Action
Junet	761224, 118	6 month - Office Action
Junet	751933, 548	Notice of Abandonment
JUNET	751218, 913	Notice of Abandonment
JUNET	291142, 054	Filing Receipt
JUNET	291142, 054	Notice to File Missing Parts
Junet	601271, 731	Filing Receipt
JUNET	751291, 128	Notice of Abandonment
JUNET	761182, 887	6 month - Office Action
JUNEG	761007, 743	6 month - Office Action
JUNE 13	5, 623, 363	Maintenance Fee Statement
Junet	091834, 111	Filing Receipt
JUNE 13	5, 227, 383	Maintenance Fee Statement
Junet	5, 991, 383	Decision On Petition
JUNE 5	091334, 554	Decision On Petition
JUNE 5	091531, 533	Notice of Allowance / Issue Fee Notice of Allowability
JUNE 5	6, 242, 834	Soft Patents
Junet	6, 241, 393	Soft Patents

JUNE 12, 2001

JUNE 5	6,241,474	Soft Patent
June 5	US.D443,247	Letters Patent
June 5	291,131,301	2 month - Office Action
JUNE 5	6,241,005	Letters Patent
May 28	2,452,413	Certificate of Registration
May 28	2,453,534	Certificate of Registration
JUNE 6	081,837,802	3 month - Final Office Action
June 5	081,923,683	3 month - Office Action
JUNE 5	081,984,943	3 month - Final Office Action
JUNE 5	091,215,449	3 month - Final Office Action
May 28	2,452,346	Certificate of Registration
May 28	2,452,461	Certificate of Registration
June 5	091,191,331	Notice of Allowance / Issue Fee
		Notice of Allowability
JUNE 5	081,693,847	Notice of Allowance / Issue Fee
		Notice of Allowability
JUNE 5	091,283,303	1 month - Office Action
JUNE 13	091,297,384	Issue Notification
JUNE 12	091,363,920	Issue Notification
JUNE 5	081,933,524	3 month - Advisory Action
JUNE 5	091,819,263	Filing Receipt
JUNE 4	761,230,926	6 month - Office Action
JUNE 4	761,230,663	6 month - Office Action
JUNE 4	091,117,316	Notice of Non-Compliant
JUNE 5	6,243,208	Letters Patent
JUNE 5	6,243,583	Letters Patent
JUNE 5	6,243,678	Letters Patent
JUNE 5	6,241,474	Letters Patent
JUNE 5	6,243,103	Letters Patent
JUNE 5	6,241,483	Letters Patent
JUNE 5	6,240,755	Letters Patent
JUNE 5	6,242,834	Letters Patent
June 5	091,393,259	Notice of Allowance / Issue Fee
		Notice of Allowability
JUNE 5	6,241,005	Soft Patent
JUNE 4	091,307,926	3 month - Final Office Action

JUNE 12, 2001

JUNE 1	16,840,755	Soft Patent
JUNE 1	1091111, 004	3 month- Office Action
JUNE 1	1USD443, 033	Letters Patent
JUNE 1	16,241, 392	Letters Patent
JUNE 1	091585, 884	3 month- Office Action
JUNE 1	091410, 289	Office Action
JUNE 1	091151, 333	3 month- Office Action
JUNE 1	741463, 535	Notice of Recordation
JUNE 1	081, 756, 132	3 month- Final Office Action
JUNE 1	091488, 444	3 month- Final Office Action
JUNE 1	091569, 014	3 month- Office Action
JUNE 1	091435, 596	Soft Patent
JUNE 1	091446, 853	3 month- Final Office Action
JUNE 1	091619, 276	Notice of Recordation
JUNE 1	091743, 534	Updated Filing Receipt
JUNE 1	091353, 164	Advisory Action
JUNE 1	091752, 599	Updated Filing Receipt
JUNE 1	091078, 089	3 month- Office Action
JUNE 1	761023, 832	6 month- Office Action
JUNE 1	091118, 960	Corrected Filing Receipt
JUNE 1	091749, 670	Filing Receipt
JUNE 1	761237, 311	Examiner's Amendment
JUNE 1	761263, 825	Filing Receipt
JUNE 1	761263, 835	Filing Receipt
JUNE 1	761262, 829	Filing Receipt
JUNE 1	091486, 796	1 month- Filing Receipt
JUNE 1	091431, 982	1 month- Office Action
JUNE 1	111, 806	Suspension
JUNE 1	761144, 047	Notice of Publication
JUNE 1	761146, 731	Notice of Publication
JUNE 1	761133, 021	Notice of Publication
JUNE 1	751780, 973	Notice of Abandonment
JUNE 1	751843, 006	Notice of Publication
JUNE 1	761223, 837	6 month- Office Action

JUNE 14, 2001

JUNE 6	09/359,575	3 month- Office Action
JUNE 4	09/1781,901	Updated Filing Receipt
JUNE 7	09/379,651	Advisory Action
JUNE 8	PCT/US01/06509	Comm. regrading Ext. of Time Limit
JUNE 8	PCT/US00/17540	Not. of Receipt of Demand by Comptroller
JUNE 7	09/1816,009	Not. of Recordation
JUNE 7	09/1462,443	Not. of Recordation
JUNE 8	09/159,804	Notice of Allowance / Issue Fee Notice of Allowability
JUNE 8	09/1836,402	Filing Receipt
JUNE 6	09/104,284	Soft Patents
JUNE 6	09/104,284	3 month- Office Action
JUNE 6	761/223,843	Priority Action
JUNE 7	761/185,955	6 month- Office Action
JUNE 8	60/270,473	Filing Receipt
JUNE 8	09/1848,571	Filing Receipt
JUNE 7	09/1493,762	Notice of Allowability
JUNE 8	09/1834,287	Filing Receipt
JUNE 7	75/519,050	Notice of Abandonment
JUNE 6	761/223,751	Priority Action
JUNE 5	31,580	TTAB
JUNE 7	09/138,644	Corrected Filing Receipt
JUNE 7	08/1693,847	Notice of Allowance / Issue Fee
JUNE 6	09/1834,078	Filing Receipt
JUNE 6	761/106,872	Notice of Publication
JUNE 7	09/018,006	1 month- Office Action
JUNE 6	08/1772,373	Notice of Allowance / Issue Fee Notice of Allowability
JUNE 7	09/1427,915	3 month- Office Action
JUNE 8	09/1117,313	Office Action
JUNE 7	09/1435,596	3 month- Office Action
JUNE 6	09/1611,509	Notice of Allowability
JUNE 5	08/1614,196	3 month- Final Office Action
JUNE 7	09/1601,199	3 month- Office Action
JUNE 7	09/1455,683	Interview Summary
JUNE 7	09/1271,545	3 month- Final Office Action

JUN 14, 2001

JUNE 5	091810, 716	Notice of Recordation
JUNE 6	081972, 849	3 month - Office Action
JUNE 7	761219, 716	6 month - Office Action
JUNE 7	761212, 521	6 month - Office Action
JUNE 5	091639, 254	Notice of Recordation
JUNE 11	091058, 840	3 month - Final Office Action
JUNE 6	000-04546	Order Dismissing Action
JUN 11	091058, 840	Inform. Disclosure Stat.
JUN 11	761223, 722	Priority Action
JUN 11	091832, 062	Filing Receipt
JUN 11	091861, 131	Filing Receipt
JUN 11	091861, 131	Notice to File Missing Parts
JUNE 8	PCT/GB99/03609	Notification of Missing Requirements
JUNE 14	091026, 544	Issue Notification
JUNE 14	091327, 254	Issue Notification
JUNE 11	091836, 713	Filing Receipt
JUNE 8	761263, 944	Filing Receipt
JUNE 8	761263, 988	Filing Receipt
JUNE 8	761263, 987	Filing Receipt
JUNE 11	091816, 637	Filing Receipt
JUNE 8	091472, 855	Notice of Recordation
JUNE 14	091567, 301	Issue Notification
JUNE 11	091750, 815	Updated Filing Receipt
JUNE 14	291112, 860	Issue Notification
JUNE 14	091332, 834	Issue Notification
JUNE 8	116, 923	TTAE
JUNE 11	091493, 743	Not. of Allowance / Issue Fee
		Not. of Allowability
JUNE 14	091411, 091	Issue Notification
JUNE 7	751340793	Not. of Abandonment
JUNE 7	761001743	Not. of Acceptance
JUNE 7	751607, 191	6 month Office Action
JUNE 5	081901, 049	1 month - Office Action
JUNE 14	6, 195, 276	Cert. of Correction
MARCH 26	091400, 637	Issue Fee
JUNE 14	2, 453, 443	Cert. of Registration

JUNE 11, 2001

May 31	1081842, 755	Not of Allow/ Issue Fee
June 5	7513700030	Not of Approval of Ext. Req.
May 5	751370214	Not of Approval of Ext. Req.
June 11	1091025, 088	Interview Summary
June 5	1081766, 134	3 month Advisory Actions

JUNE 30, 2001

June 14	091715, 401	Updated Filing Receipt
June 30	091053, 422	Issue Notification
June 30	091386, 815	Issue Notification
June 14	091124, 301	Corrected Filing Receipt
June 14	091627, 937	Decision According Status
June 12	091722, 527	Priority Acknowledgment
June 13	091155, 590	Comm. From Examiner
June 14	091620, 673	Post allowance Communication
June 14	091586, 533	Office Action Summary 1 mont
June 14	091499, 682	Office Action Summary 3 mont
June 14	091627, 465	Decision According Status
June 14	6016271, 267	Filing Receipt
June 14	601271, 267	Notice to File missing parts
June 14	091825, 021	Filing Receipt
June 14	091825, 021	Notice to file missing parts
June 14	091829, 488	Filing Receipt
June 14	091829, 488	Notice To File Missing Parts
June 14	091764, 679	Updated Filing Receipt
June 13	091831587	Notification of Missing Requirements
June 14	091590224	Notice of Allowance and Issue
June 14	091827894	Filing Receipt
June 13	761109, 602	Notice of Publication
June 13	761109, 644	Notice of Publication
June 13	761007, 1987	Notice of Publication
June 14	761267413	Filing Receipt
June 12	761053181	Notice of Abandonment
June 13	751749, 884	Notice of Publication
June 12	091627, 465	Notice of Non-Recordation

June 20, 2001

June 13	761265784	Filing Receipt
June 14	751787102	Request for Extension of Time
June 13	09708359	Notice of Recordation
June 14	09118960	Office Action Summary 3 mo.
June 13	09222894	Advisory Action 3 months
June 13	09230859	Office Action Summary 3 mo.
June 14	09742521	Filing Receipt
June 12	09732368	Notice of Recordation of Assig.
June 12	09100600	Notice of Recordation of Assignment
June 13	08660920	Advisory Action
June 11	76045177	Notice of Opposition
JUNE		

JUNE 21, 2001

June 12	6,845,695	Soft Patent
June 5	091128738	3 month - Office Action
May 30	091213909	3 month Final - Office Action
June 8	091259409	3 month Final - Office Action
June 21	5,699,583	Maintenance Fee Statement
June 7	091272324	Notice of Publication
June 21	4,883,057	Maintenance Fee Statement
June 7	091728864	Notice of Publication
June 11	761164,106	6 months - Office Action
June 21	5,699,586	Maintenance Fee Statement
June 21	5,688,998	Maintenance Fee Statement
June 11	091818,171	Notice of Recordation
June 8	5,694,783	Maintenance Fee Statement
June 12	091205,736	Corrected Filing Receipt
June 7	091727,145	Notice of Publication
June 7	091726,925	Notice of Publication
June 21	5,698,926	Maintenance Fee Statement
June 21	5,703,501	Maintenance Fee Statement
June 21	5,694,100	Maintenance Fee Statement
June 21	5,693,429	Maintenance Fee Statement
June 21	5,692,295	Maintenance Fee Statement

JUNE 21, 2001

JUNE 7	091759, 489	Notice of Publication
JUNE 21	5,262, 451	Maintenance Fee Statement
JUNE 10	081987, 690	Notice of Allowance / Issue Fee
		Notice of Allowability
JUNE 12	6,246, 526	Soft Patent
JUNE 12	6,244, 602	Soft Patent
JUNE 13	761200, 359	Examiner's Amendment
JUNE 13	761201, 841	Examiner's Amendment
JUNE 13	31, 171	Cancellation
JUNE 14	091817, 730	Notice of Recordation
JUNE 21	091288, 497	Issue Notification
JUNE 13	761200, 362	Examiner's Amendment
JUNE 15	751980, 463	Notice of Acceptance
JUNE 14	751790, 947	Notice of Abandonment
JUNE 15	091836, 786	Filing Receipt
JUNE 15	091836, 786	Notice to File Missing Parts
JUNE 21	091216, 678	Issue Notification
JUNE 21	081628, 381	Issue Notification
JUNE 15	091138, 142	Notice of Allowance / Issue
		Notice of Allowability
JUNE 15	091553, 329	Notice of Allowance / Issue
		Notice of Allowability
JUNE 16	091438, 597	3 month - Advisory Action
JUNE 15	091509, 359	1 month - Office Action
JUNE 21	091346, 455	Issue Notification
JUNE 21	091331, 285	Issue Notification
JUNE 21	091169, 503	Issue Notification
JUNE 21	091014, 825	Issue Notification
JUNE 15	081950, 036	Notice of Allowance / Issue
		Notice of Allowability
JUNE 15	091553, 237	Notice of Allowance / Issue
		Notice of Allowability
JUNE 21	091408, 484	Issue Notification
JUNE 13	091410, 920	Notice of Allowance / Issue
		Notice of Allowability

ee	June 14	08/995,068	Corrected Filing Receipt
	June 14	09/819,018	Filing Receipt
	June 14	09/603487	Notice of Recordation of Assignment
	June 15	08/915,305	Advisory Action 3 months
	June 15	09/044,914	Office Action Summary
	June 15	09/818118	Notice of Recordation of Assignment
	June 15	09/742,945	Updated Filing Receipt
	June 14	76/267252	Filing Receipt
	June 14	09/326,887	Notice of Allowance/Issue Fee Due
	June 14	09/326,887	Notice of Allowability
	June 14	09/1594,293	Notice of Allowance /Issue fee
	June 14	09/594,293	Notice of Allowability
	June 13	09/732681	Notice of Recordation of Assignment
	June 14	76/267299	Filing Receipt
ts	June 14	76/266909	Filing Receipt
	June 14	76/266908	Filing Receipt
	June 13	76/265785	Filing Receipt
	June 21	Case#1:00-cv-11370	Notice of Action by the Court
Fee	June 12	09/627937	Notice of Recordation
	June 13	75/702,989	Notice of Publication
Fee	June 14	29/121,734	Supplemental Notice of Allowability
	June 21	09/470,380	Issue Notification
	May 25	29/141,881	Filing Receipt
	June 18	09/696,855	Filing Receipt
	June 15	09/821379	Notice of Recordation
	June 15	60/269,366	Filing Receipt
	June 21	75/980978	Filing Receipt
	June 15	09/772,664	Filing Receipt
Fee	June 15	09/649,858	Corrected Filing Receipt
	June 14	75/865317	First Request for Extension of Time
Fee	June 14	76/204979	Office Action
	June 15	09/840,376	Filing Receipt
	June 18	09/839,879	Filing Receipt
Fee	June 18	09/839,879	Notice to File Missing Parts
	June 15	75/457303	Notice of Abandonment
	June 19	09/703825	Corrected Filing Receipt

June 21, 2001

June 21	09/210,302	Issue Notification
June 15	09/804,096	Updated Filing Receipt
June 13	08/993,721	Notice of Allowance / Search Report
"	"	Notice of Allowability
June 7	09/726,360	Notice of Publication of Appl
June 5	09/056,536	Notice of Abandonment
June 12	29/106,050	Soft Copies Patent
June 1	PC71ns0/05803	Submission/Transmittal of Prio
June 5	09/587,300	Office Action Summary
June 12	76/226020	Office Action
June 13	09/368,374	Office Action
June 13	09/750,577	Updated Filing Receipt
June 6	71575249	Notice of Acceptance / Review
June 13	76/207031	Office Action
June 13	76/226674	Office Action
June 12	75/856119	Office Action
June 12	09/766,108	Updated Filing Receipt
June 11	75218466	Notice of Recalculation
June 12	08/950,036	Corrected Filing Receipt
June 12	08/565,221	Advisory Action
June 13	60/265,853	Filing Receipt
June 13	09/731,357	Notice of Allowance / Search Report
"	"	Notice of Allowability
June 13	09/555,113	Notice of Allowance / Search Report
"	"	Notice of Allowability
June 12	09/627,465	Notice Regarding Power Communication
June 13	PC71ns00/35074	Updated Filing Receipt
June 12	09/769,917	Notice Regarding Power of Attorney
June 13	09/627,937	Filing Receipt
June 13	60/268,766	Filing Receipt
June 13	09/836,995	Filing Receipt
June 11	76/226009	Office Action
June 13	09/622,862	Office Action
June 12	756,244,159	Letters Patent
June 12	756,245,163	Soft Copies
June 12	756,244,159	Soft Copies

June 21, 2001

	June 12	US 6,244,232	Soft Copy of Patent
	June 12	US 6,246,526	Letters Patent
	June 12	US 6,244,602	Letters Patent
	June 12	US D443,569	Letters Patent
	June 12	US 6,245,163	Letters Patent
	June 12	US 6,245,695	Letters Patent
	June 12	6,245,226	Letters Patent
	June 12	6,244,232	Letters Patent
Priority	June 25	09211738	Notice of Allowance/Issue fee
	June 18	6,017,706	Certificate of Correction
	June 12	6,249,362	Letters Patent
	June 19	2,455,897	Certificate of Registration
	May 29	2,455,761	"
	May 29	2,455,761	"
Wal	June 15	09,547,763	Office Action Summary
	June 15	09,263,314	Office Action Summary
	June 19	6,247,391	Soft Copy Patent
	June 19	6,247,899	"
	June 19	6,247,619	"
	June 18	09,503,090	Office Action Summary
	June 19	76,232,192	Office Action
	June 15	09,816,637	Notice of Recordation
	June 18	60,249,515	Corrected Filing Receipt
	June 18	09,834,434	Filing Receipt
Fee	"	"	Notice Filing Missing Parts
Waived	June 18	09/841,989	Filing Receipt
	June 19	09/489,654	Office Action Summary
	June 19	08/213,433	Communication from Examiner
	June 15	09/715,819	Updated Filing Receipt
	June 15	76/070 210	Office Action
	June 14	73839459	Notice of Acceptance/Renewal
	June 14	73839699	Notice of Acceptance/Renewal
10th	June 18	60/261,165	Filing Receipt
	June 19	09/050,737	Notice of Allowance/Issue fee
	June 18	60/272,103	Filing Receipt
	June 18	09/842,888	Filing Receipt
	"	"	Notice to file Missing Parts

June 25th, 2001

June 19	09 451 511	Office Action Summary
June 18	76 084 247	Office Action
June 14	76 108 051	" "
June 15	09820575	Notice of Recordation
June 25	09 689 859	Issue Notification
June 18	09 720 757	Not. of Missing Requirements
June 15	75/692917	Office Action
June 18	09/222,912	Notice of Allowability
June 18	08/814,193	" "
June 18	09/726,071	Filing Receipt
June 19	08/471,971	Response for Rule
June 19	76/269128	Filing Receipt
June 19	09/841,985	Filing Receipt
"	"	Notice to File Missing
June 15	76/069512	Office Action
June 5	07840495	Maintenance Fee Review
June 5	08490675	" "
June 5	07753931	" "
June 25	08/489,037	Maintenance Fee
June 25	07/754,798	" "
June 18	09/708,322	Notice of Allowance / Issue
June 18	09/189,831	Notice of Allowability
June 14	09/769,690	Notice of Non-Recordation
June 19	09,171,596	Response for Rule 3
June 25	07,931,704	Maintenance
June 5	08414123	Notice of Patent Expiry
June 19	75/337,886	Request for Extension
June 19	75/532636	Notice of Approval
June 18	09/726,071	Filing Receipt
June 19	09/594839	Office Action Summary
June 18	09/594,496	Notice of Disagreement R.
June 13	60/254,964	Filing Receipt
June 15	76/111,396	Amendment To Alleg
June 13	09/507,509	Office Action Summary
June 12	6,246,296	1st Copies of Patent
June 12	75/31,994	Notice of Approval of Exam

June 25th, 2001

June 12	76/237500	Filing Receipt
June 12	60/271,541	Filing Receipt
June 12	6,246,226	Soft Copies of Patent
June 17	08/367,841	Notice of Allowability
June 25	08/601,043	Maintenance Fee
June 11	09745092	Notices of Recordation
June 19	6,249,324	Soft Copies of Patent
June 19	6,247,322	Soft Copies of Patent
June 18	09,686,579	Office Action Summary 3 month
June n	76,239,408	Office Action 6 month
June 12	75/937,850	Office Action
June 12	76/070,576	Office Action 6 month
June n	75/796,404	Notice of Abandonment
June 11	75/205,249	Notice of Abandonment
June n	75/154,402	Notice of Abandonment
June 12	76/264,781	Filing Receipt
June 15	29/118,374	Office Action Summary 2 month
June 19	6,248,570	Soft Copies of Patent
June 13	08/918,439	Office Action Summary 3 month
June 15	76/231,971	Office Action 6 months
June 15	09/248,357	Office Action 3 month
June 15	08/629,572	Notice of Allowance / Issue Fee
June 15	08/968,350	Notice of Allowance / Issue Fee
June 15	08/904,860	Office Action Summary 3 month
June 12	09/207,188	Office Action Summary 3 month
June 18	09/393,568	Office Action 3 month
June 15	76/219,715	Office Action 6 month
June 14	09/321,234	Office Action 3 month
June 18	09/548,938	Notice to Comply w/ Requirements

June 26th

June 19	09,123,145	Office Action
June 19	09,327,511	Office Action
June 19	6,247,391	Letter Patent
June 19	6,249,638	" "
June 14	6,247,899	" "

June 26th, 2001

June 12	09/485, 002	Office Action 1/14
June 19	6, 248, 570	Letters Patent
June 19	09/1, 56, 022	Office Action 1/14
June 20	09/427, 477	Notice of Allowance
June 19	09/321, 864	Office Action
June 27	09/690, 813	Office Action
June 20	6, 249, 324	Letters Patent
June 19	09, 692, 462	Office Action
June 20	09, 342, 809	Office Action
June 20	08, 478, 684	Reply Brief
June 27	09, 478, 823	Office Action
June 20	09, 320, 962	Office Action
June 21	09, 410, 282	Office Action
June 20	09, 533, 838	Office Action
May 17	09, 035, 287	Notice of Allowance
June 19	75/272, 356	Notice of Allowance
June 20	75/710, 173	Notice of Publication
June 21	76/209, 500	Office Action
June 21	76/226, 015	Office Action 6
June 22	09, 492, 419	Notice of Allowance
June 21	09, 177, 316	Communication for Advisory Action
June 21	08, 547, 263	Notice of Allowance
June 22	08, 618, 122	Notice of Allowance
June 21	60, 278, 033	Filing Receipt
June 21	09, 875, 616	Filing Receipt
June 22	09, 738, 547	Filing Receipt
June 22	09, 753, 941	Filing Receipt
June 16	73748197	Notice of Acceptance
June 20	75, 658, 958	Notice of Allowance
June 22	08, 954, 374	Office Action 1
June 19	09823352	Recordation
June 22	09 845 472	Filing Receipt
"	"	Missing Parts
June 21	75/921, 671	Office Action 2
June 20	75/855, 901	Notice of Pub.
June 22	76/270, 500	7/27/01

June 27th, 2001

June 22	76/270500	Filing Receipt
June 22	75/844301	Notice of Acceptance
June 21	Oppos no. 120,497	Letter re: Liquid
June 20	05/538,038	Communication from PTO
June 22	76/109539,574	Notice of Allowance
June 22	09,010,076	Advisory Action
May 25	29,128,073	Notice of Allowability
June 20	09,867,355	Filing Receipt
June 21	09,533,073	Filing Receipt
June 21	76,109,877	Office Action
JUNE 29, 2001		
June 26	091214484	3 mo. Final Office Action
June 26	6,252,754	Soft Patents
June 22	091843,405	Filing Receipt
June 22	091843,405	Not. to File Miss. Parts
June 22	751635,068	Not. of Opposition
June 25	091461,493	3 mo. Final Office Action
June 22	PCT1JP98103366	Notification of Acceptan.
June 23	761256105	Filing Receipt
June 23	751478160	Notice of Approval
June 20	741610175	Notice of Revival
June 23	761259086	Filing Receipt
June 22	25,956	Motion for Extension
June 23	761270890	Filing Receipt
June 23	751477398	Notice of Approval
June 23	761256486	Filing Receipt
June 25	091411487	3 mo. Office Action
June 22	761125870	Examiner's Amendment
June 14	091320,107	Not. of Publication
June 14	091214484	Not. of Publication
June 14	091731594	Not. of Publication
June 21	091762906	Filing Receipt
June 25	091828401	Filing Receipt
June 25	091828401	Not. to File Miss. Parts

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JUNE 29, 2001

June 22	091730359	Notice of Recordation
June 20	78010160	Req. to Extend Time
June 25	091768522	Updated Filing Receipt
June 25	091834597	Filing Receipt
June 25	091834597	Not. to File Missing Par
June 25	091770014	Filing Receipt
June 25	091770014	Withdrawal Notice
June 25	6,199, 397	Certificate of Correct
June 28	07,848,876	Issue Notification
June 28	09,029,730	" " "
June 25	75,417,016	Notice of Abandonment
June 26	60,254,150	Filing Receipt
June 26	09,729,701	Filing Receipt
June 26	60,278,045	Filing Receipt
June 26	09,343,483	Filing Receipt
July 2	09,311,418	Issue Notification
July 2	09,345,797	Issue Notification
July 2	09,493,762	Issue Notification
June 20	09,670,711	Detailed Action
June 22	09/500,012	Office Action
June 19	09/319,955	Office Action
June 19	6,247,619	Letters Patent
June 21	09/635,114	Office Action 3
June 20	09/251,896	Office Action 3
June 19	6,347,322	Letters Patent
June 18	76,207,000	Office Action 6
June 20	6,077,935	Certificate of Correct
Nov 23, 1999	5,991,385	Letters Patent
June 22	09,554,626	Office Action 3
Nov 9, 1999	5,982,951	Certificate of Correct
June 18	09,210,168	Notice of Allowance/For
June 19	09747815	Filing Receipt
" "	" "	Notice to File Missing
June 19	09 654 490	Notice of Allowability
June 20	76 007 996	Office Action (Final)
June 20	09/595,555	Office Action (3 non

Exhibit C

Country Application

28-Jan-02

Case Number: 03553-4020

Country: US

SubCase: 1

Assignee: PRICI

United States of America

PRICI

Application Title: CONDITIONAL PURCHASE OFFER MANAGEMENT
SYSTEM

Case Type: CON

Application Status: Pending

Application Number: 09/443158

Filing Date: 18-Nov-1999

Patent Number:

Issue Date:

Publication Number:

Publication Date:

Priority Number:

Priority Date:

Tax Schedule: LE

Expiration Date:

Recorded Date: 09-Sep-1999

Tax Start Date:

Reel Number: 010216

Frame: 0890

Agent:

Agent Reference Number:

List Of User Actions

Action(s) Due

Due Date

Action Taken

DUE DATE

15-Feb-2000

Due Date

23-Dec-1999

Information Disclosure Stmtnt

18-Feb-2000

Due Date

18-Nov-1999

1 MO EXTENSION

15-Mar-2000

Reminder

23-Dec-1999

2 MO EXTENSION

15-Apr-2000

Reminder

23-Dec-1999

3 MO EXTENSION

15-May-2000

Reminder

23-Dec-1999

Foreign Filing 6 mos.Reminder

18-May-2000

Reminder

03-Dec-1999

Check Status

03-Jun-2000

Due Date

03-Dec-1999

4 MO EXTENSION

15-Jun-2000

Reminder

23-Dec-1999

STAT DATE

15-Jul-2000

Final

23-Dec-1999

Foreign filing 3 mos. Call up

18-Aug-2000

Reminder

03-Dec-1999

Supplmental I. D. S. Filed

14-Sep-2000

Filed

14-Sep-2000

Foreign filing 2 mos. Call up

18-Sep-2000

Reminder

03-Dec-1999

Foreign filing 1 mo. Call up

18-Oct-2000

Reminder

03-Dec-1999

Foreign Filing Due (Deadline)

18-Nov-2000

Final

03-Dec-1999

Not/Confirmation Number Assign

02-Jan-2001

Received

02-Jan-2001

Notice of Abandonment

16-Jan-2002

Received

16-Jan-2002

Confirm Abandonment

16-Feb-2002

Due Date

Country Application

28-Jan-02

Check Status of Application	16-Jul-2002	Due Date
Status Inquiry Due	16-Oct-2002	Due Date

Remarks: CON OF 08/889319 7/8/97 WHICH IS A CIP OF 08/707660 9/4/96 PAT.
5794207; 12/3/99 POSTCARD RECD; IDS FILED; 12/20/99 FLG RCPT
RECD; FOREIGN FILING LICENSE GRANTED: 12/14/99; 1/7/00
CORRECTED FLG RCPT RECD; 2/8/00 SUPPLEMENTAL IDS FILED;
2/14/00 PRELIMINARY AMENDT FILED PER WGH POSTCARD RECD
2/28/00

User ID: YZUNIGA **Date Created:** 01-Dec-1999 **Last Update:** 28-Feb-2000

Exhibit D

Docket No. 3553-4020US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
OFFICE OF PETITIONS**

Applicant(s): Jay S. Walker, et al.

Group Art Unit: 2166

Serial No.: 09/443,158

Examiner: Samuel G. Rimell

Filed: November 18, 1999

For: CONDITIONAL PURCHASE OFFER MANAGEMENT SYSTEM

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF SHIRLEY HOPKINS

Sir:

1. I am employed by the intellectual property law firm of Morgan & Finnegan, L.L.P., in New York City, and have been employed by Morgan & Finnegan, L.L.P., since April 1993. I make this Declaration in support of Applicants' "Petition To Withdraw Holding of Abandonment – Office Action Not Received", which is filed with this Declaration.

2. My principal responsibilities at Morgan & Finnegan include, inter alia, the position of Docket Supervisor for the firm. I have been the Docket Supervisor since April 1999. As the Docket Supervisor for the firm, I am directly in charge of and/or oversee the effort of all docketing personnel in the recordation and docketing of, inter alia, all official papers and other documentation connected with domestic prosecution of U.S. patent and trademark applications being handled by the firm.

3. As part of my duties as Docket Supervisor, I oversee the daily recordation

of all incoming mail received from the U.S. Patent and Trademark Office ("PTO"), as well as the associated due dates and statutory dates concerned with that correspondence. The regular practice is that all PTO correspondence in connection with matters being handled by our firm is first directed to the docketing department for proper docketing and recordation in accordance with established practice. I then oversee the dissemination of that mail to the responsible attorneys so that the matters raised by the correspondence (which would have now been docketed and recorded by the docketing department) could be attended to in a timely fashion.

4. In connection with full docketing of all correspondence received from the PTO, and to ensure that all due dates are met by the responsible attorneys, a number of login books are maintained by the docketing department. A "mailbook" is kept, wherein all PTO mail is recorded on a daily basis on the day such mail arrives at Morgan & Finnegan from the PTO. For each piece of PTO mail, the mailbook records relevant PTO mailing dates; the serial number (or patent number) associated with each piece of correspondence; and the general nature of the correspondence received. A daily docketing "diary" is also maintained by the docketing department to ensure that responsible attorneys would be reminded by the docketing department of all due and statutory dates for actions required in connection with correspondence received from the PTO. The information for the diary is gleaned from each piece of correspondence received from the PTO. The diary contains daily pages for each business day, and includes the names of the responsible attorneys; patent number (or application serial number); nature of the action to be completed; firm file docket numbers; and the status of action taken by the responsible attorney.

5. The docketing department enters all PTO correspondence that has a due date for a reply or action into the computer docketing system that generates reports for each attorney specifying all due dates for that attorney. These computer generated reports are distributed both weekly and monthly.

6. Exhibit **B** is a true and accurate copy of pages from the firm's "mailbook" for the time period June 5, 2001 through June 29, 2001. A review of the mail-book records reveals that no Office Action mailed by the PTO on June 12, 2001 was received in application serial no. 09/443,158, as identified by that serial number or the firm's docket number, i.e., 3553-4020US1.

7. Exhibit **C** is a true and accurate copy of the computer printout for the above-identified application, USSN 09/443,158 docket number 3553-4020US1. As can be seen, an Office Action was not received from the PTO.

I hereby state that all statements made herein of my own knowledge are true and that all statements made by me on information and belief are believed to be true. I hereby acknowledge that any willful false statement and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application and any patent issuing thereon.

Date: January 29, 2002



Shirley Hopkins

PATENT

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Docket No. 3553-4020US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):

Jay S. Walker, et al.



Group Art Unit: 2166

Serial No.:

09/443,158

Examiner: S. Rimell

Filed:

November 18, 1999

For:

CONDITIONAL PURCHASE OFFER MANAGEMENT SYSTEM

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Sir:

I hereby certify that the attached

- (1) Petition Pursuant to 37 CFR §1.137, MPEP §711.03(c) and The Decision in Delgar V. Schuyler, 172 USPQ 513 to Withdraw the Holding of Abandonment;
- (2) a check in the amount of \$110.00;
- (3) Return postcard.

along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner of Patents, Washington, D.C. 20231.

Date: January 29, 2002

Respectfully submitted,
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